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5 Attorney for Plaintiffs

7 UNITED STATE DISTRICT COURT

8 FOR DISTRICT OF NORTHERN CALIFORNIA

9 BAO YI YANG, WEI WANG, AND LIANG  
 XIAN FU

10 Plaintiffs,

11 vs.

12 SHANGHAI GOURMET, LLC, dba  
 SHANGHAI GOURMET, and DOES 1-10

14 Defendants

Case No.: C07-4482 JL

**PLAINTIFF'S REPLY BRIEF IN  
 SUPPORT OF MOTION FOR LEAVE TO  
 FILE A SECOND AMENDED  
 COMPLAINT**

15 Despite the fact that they "bear the burden to burden of demonstrating that a substantial  
 16 reason exists to deny leave to amend." *State of Cal. ex rel. Mueller v. Walgreen Corp.*, 175  
 17 F.R.D. 631, 637 (N.D. Cal. 1997), in their Opposition, Defendants have utterly failed to meet  
 18 such a burden to justify a denial of a leave to file a Second Amended Complaint. Specifically,  
 19 Defendants have failed to demonstrate "undue delay, bad faith, dilatory motive, repeated failure  
 20 to cure deficiencies by previous amendments" to justify the denial. *Moore v. Kayport Package  
 Exp., Inc.*, 885 F.2d 531, 538 (9th Cir. 1989). Absent such a showing, the Court should grant  
 21 Plaintiffs' motion.

22 The only objection Defendants have raised is that the proposed Second Amended  
 23 Complaint is in violation of Court's July 22, 2008 order denying Plaintiffs' motion to allege  
 24 PAGA action seeking § 558 damages on behalf of all employees. Defendants complain that the  
 25 proposed Second Amended Complaint continues to seek damages on behalf of other employees.

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PLAINTIFFS' REPLY BRIEF IN SUPPORT OF RE MOTION FOR LEAVE TO FILE  
 SECOND AMENDED COMPLAINT  
Yang v. Shanghai Gourmet LLC, et al.

1 With all due respect, it seems that Defendants have never cared to read the proposed Second  
2 Amended Complaint. In fact, the proposed Second Amended Complaint in no way can be read  
3 that Plaintiffs still seek damages on behalf any other employees but Plaintiffs themselves.

4 As such, Plaintiffs respectfully request that the Court grant Plaintiffs' motion for leave to  
5 file a Second Amended Complaint.

6 Date: August 26, 2008

7 By: /s/ Adam Wang.  
Attorney for Plaintiffs

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SECOND AMENDED COMPLAINT  
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